

AF/1743
ZM

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

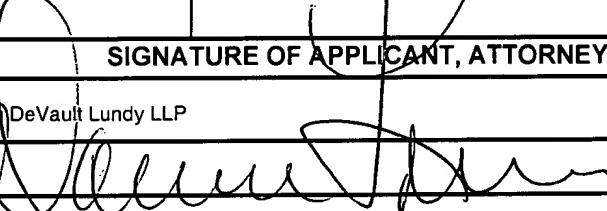
(to be used for all correspondence after initial filing)

		Application Number	09/349,380
		Filing Date	July 9, 1999
		First Named Inventor	Jasper, John P.
		Art Unit	1743
		Examiner Name	Siefke, Samuel P.
Total Number of Pages in This Submission	38	Attorney Docket Number	JASJ-1

ENCLOSURES (Check all that apply)

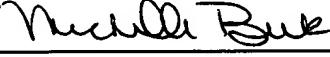
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input checked="" type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Statement of the Substance of the Interview; Collection of the Summaries of the Interview of June 22, 2003
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Krieg DeVault Lundy LLP		
Signature			
Printed name	David A. Lundy		
Date	07/20/2005	Reg. No.	22,162

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Michelle Blirk	Date	07/20/2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jasper, John P.)
)
Serial No.: 09/349,380)
)
Filed: July 9, 1999) Group Art Unit: 1743
) Examiner: Siefke, Samuel P.
Title: A STABLE ISOTOPIC)
IDENTIFICATION AND)
METHOD FOR IDENTIFYING)
PRODUCTS BY ISOTOPIC)
CONCENTRATION)

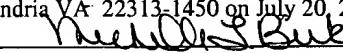
STATEMENT OF THE SUBSTANCE OF THE INTERVIEW

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant has received an Interview Summary attached to the Advisory Action dated July

I hereby certify that this correspondence is being
faxed and deposited with the United States Postal
Service as first class mail in an envelope addressed to
the Commissioner for Patents, P.O. Box 1450,
Alexandria VA 22313-1450 on July 20, 2005.


Signature

7-20-05

Date of Signature

6, 2005. The Interview Summary indicates that the Examiner had a telephonic interview with Applicant's Attorney on June 30, 2005, in which all of the claims were discussed; no agreement as to the claims was reached, and that Applicant's Attorney was informed that the amendments were not going to be entered because they raised new issues that would require a further search and consideration. No "fuller description" and no copy of amendments that would render the claims allowable and no summary were attached.

Applicant's Attorney has absolutely no recollection of any telephonic conversation with the Examiner on June 30, 2005, or on any date in June or July, 2005, with regard to the above-identified application. Applicant's Attorney has checked the firm's telephone records in which each telephone call received by the firm is logged each day. That record also reflects that no telephone call was received from the Examiner on June 30, 2005, or any day in June or July, 2005. Applicant's Attorney has no recollection of talking to either Examiner Siefke or Examiner Warden subsequent to the filing of the proposed Amendment on June 3, 2005.

Respectfully submitted,

David A. Lundy
Reg. No. 22,162



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jasper, John P.)
Serial No.: 09/349,380)
Filed: July 9, 1999) Group Art Unit: 1743
Title: A STABLE ISOTOPIC) Examiner: Siefke, Samuel P.
IDENTIFICATION AND)
METHOD FOR IDENTIFYING)
PRODUCTS BY ISOTOPIC)
CONCENTRATION)

COLLECTION OF THE SUMMARIES OF THE INTERVIEW OF JUNE 22, 2004

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

An interview in the above-identified application was conducted on June 22, 2004 in a conference room adjacent the Examiner's offices in the United States Patent Office in Alexandria, Virginia. Attending the interview in person was Examiner Samuel P. Siefke and supervisory Patent Examiner Jill Warden both of Technology Center 1700.

I hereby certify that this correspondence is being faxed and deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 20, 2005.

Signature

7-20-2005

Date of Signature

Both Examiner Siefke and Warden summarized the interview after it was completed. Applicant summarized the interview in the Amendment dated August 10, 2004. Examiner Siefke summarized the interview in the Interview Summary dated June 22, 2004 and Examiner Warden summarized the interview in the Advisory Action dated July 6, 2004. For the clarity of the File History, Applicant collects all of these summaries and restates them herein.

On June 22, 2004 Examiner Siefke stated:

“Applicant and Applicant’s representatives discussed general art and application. No agreement was reached. Office gave suggestions to Applicant to amend claims.”

The Amendment dated June 3, 2004 was prepared and filed for the purpose of providing an outline of the discussion during the interview. Prior to the interview Applicant’s attorney and the Examiner defined issues for discussion. These issues are listed in the remarks section of the response dated June 3, 2004.

Applicant summarized the interview of June 22, 2004 in the remarks section of the Amendment dated August 10, 2004 stating

“Applicant sincerely thanks Examiner Siefke and Warden for the personal interview granted Applicant on June 22, 2004. This Amendment is being filed in furtherance of that interview. By this amendment, Applicant wishes to supplement the remarks of the Amendment dated June 16, 2004 with (1) copies of Applicant’s analysis of the Welle patent and why the Welle patent is not a good reference and does not either anticipate or render obvious Applicant’s claims, and (2) copies of Applicant’s publications and the publication by Hayes referenced in Applicant’s comments on Welle (1) above. Thus Applicant incorporates into this Amendment, all of the Amendments made and all of the remarks of the Supplemental Amendment dated June 16, 2004, as if they were reproduced herein.”

Applicant then attached to the Amendment dated August 10, 2004 copies of Applicant’s publications and the publication by Hayes referenced in the interview and in the Amendment

dated August 10, 2004.

Examiner Warden further summarized the interview of June 22, 2004 in an Advisory Action dated July 6, 2004 stating

"The amended claims raise new issues that would require further consideration and a search, therefore, they will not be entered. Applicant scheduled an interview on June 22, 2004. Discussion about the prior art was discussed and arguments submitted on June 3, were discussed. No agreement with respect to the claims was reached, the Office giving Applicant some suggestions and direction as to amend the claims to overcome the prior art."

Applicant then further supplemented the interview of June 22, 2004 in a facsimile dated June 30, 2004 stating

"The two Supplemental Amendments dated June 16, 2004 and June 30, 2004 enclosed are being filed today by U.S. Mail. The Supplemental Amendment dated June 16, 2004 amends the claims to include the language 'in their anthropogenically unaltered concentrations.' The Supplemental Amendment dated June 30, 2004 gives to you our arguments as to why the Welle reference is not a good reference to reject Applicant's claims under §102 or 103. Included with Applicant's filing by U.S. Mail are the publications of Jasper and Hayes we discussed at the interview on June 22, 2004."

Examiner Warden further summarized the interview of June 22, 2004 in the Advisory Action dated August 6, 2004 stating

"The Applicant amended Claim 17 to include the phrase 'anthropogenically unaltered concentrations'. This raised new issues that would require further consideration and a search, therefore the Amendment will not be entered. The submitted remarks and arguments submitted on July 2, 2004 are identical to the remarks and arguments submitted on June 3, 2004 with the exception of the addition of 'anthropogenically' to Claim 17. The Applicant scheduled an interview on June 22, 2004 discussion about the prior add was discussed and arguments from the Applicant's arguments submitted on June 3, 2004 were discussed. No agreement with respect to the Claim was reached. The Office has given the Applicant some suggestions and directions as to

amend the claims to overcome the prior art but did not amend Claim 17 accordingly. The Office informed Applicant at the interview that if the claim was amended to include the addition of "anthropogenically" to Claim 17, the Office would reply with an Advisory Action that raises new issues and would require a new search. The addition of 'anthropogenically' brings up a new matter issue because the mention of 'naturally occurring stable isotopes of said product in their anthropogenically unaltered concentration' is not in the specification."

Respectfully submitted,

David A. Lundy
Reg. No. 22,162